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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,115	12/23/2004	Renaud Dore	PF020081	9384
24498	7590	08/05/2009		
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EXAMINER				
MILLER, BRANDON J				
ART UNIT		PAPER NUMBER		
2617				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/519,115

**Applicant(s)**

DORE ET AL.

**Examiner**

BRANDON J. MILLER

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4 and 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

I. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/10/2009 has been entered and claims 1-2 and 4-5 are pending in the application.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1,148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- III. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lipasti et al. (US 2002/0039357 A1) in view of Eikelenboom et al. (US 6,922,405 B2).

Regarding claim 1 Lipasti teaches a method of creation of a new communication network by a wireless terminal (see paragraph [0023], establishing pico network reads on new creation of new communication network). Lipasti teaches wherein the wireless terminal initially being part of an existing centralized network that includes an access point (see paragraph [0023], LAN or WLAN reads on existing centralized network). Lipasti teaches initiation of a procedure for creating a new network, coexisting with the existing network, including a declaration of the wireless terminal as access point of the new network (see paragraph [0023], establishing pico network reads on initiation of procedure for creating new network and device initiating the connection reads declaration of the terminal as access point of the new network because the initiating device becomes master device controlling access to the new network). Lipasti teaches where the operating parameters of the new network are such that communications on the new network do not interfere with the existing network (see paragraph [0023] and Fig. 1, pico network represents new network and AP represents existing network; the AP not being part of the ad hoc network but able to forward packets to and from ad hoc network indicates that the two networks coexist and do not interfere with one another). Lipasti does not specifically teach an

access point controlling association of a wireless terminal to a network; and disassociation of the wireless terminal, initiated by the wireless terminal, from the existing centralized network.

Eikelenboom teaches an access point controlling association of a wireless terminal to a network (see col. 7, lines 45-49). Eikelenboom teaches disassociation of the wireless terminal, initiated by the wireless terminal, from the existing network (see col. 3, lines 39-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in Lipasti adapt to include an access point controlling association of a wireless terminal to a network; and disassociation of the wireless terminal, initiated by the wireless terminal, from the existing centralized network because it is well known that access points, such as the ones described in Lipasti, can control association and that mobile devices, such as the ones described in Lipasti, can initiate disassociation from networks as taught in Eikelenboom.

Regarding claim 4 Lipasti teaches a wireless terminal including an interfaces with a communication medium, a microprocessor, and a memory (see paragraph [0023] & [0024]). Lipasti teaches initiation of a procedure for creating a new network including a declaration of the terminal as access point of the new network (see paragraph [0023], establishing pico network reads on initiation of procedure for creating new network and device initiating the connection reads declaration of the terminal as access point of the new network because the initiating device becomes master device controlling access to the new network). Lipasti teaches where the operating parameters of the new network are such that communications on the new network do not interfere with the existing network (see paragraph [0023] and Fig. 1, pico network represents new network and AP represents existing network; the AP not being part of the ad hoc network but able to forward packets to and from ad hoc network indicates that the two networks coexist

and do not interfere with one another). Lipasti does not specifically teach performing disassociation of the wireless terminal, initiated by the wireless terminal, from a network. Eikelenboom teaches performing disassociation of the wireless terminal, initiated by the wireless terminal, from a network (see col. 3, lines 39-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in Lipasti adapt to include performing disassociation of the wireless terminal, initiated by the wireless terminal, from a network because it is well known that mobile terminals such as the ones described in Lipasti can initiate disassociate from networks as taught in Eikelenboom.

IV. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipasti et al. (US 2002/0039357 A1) in view of Eikelenboom et al. (US 6,922,405 B2) and Norman et al. (US 7,082,535 B1).

Regarding claim 2 Lipasti and Eikelenboom teach a device as recited in claim 1 except for initiating disassociation in at least one of the following cases: frequency change rejection by the access point of the existing network following a request for frequency change from the wireless terminal; or connection establishment rejection by the access point of the existing network following a request for connection establishment from the wireless terminal. Eikelenboom does teach a mobile terminal initiating disassociation due to a condition between the mobile terminal and access point (see col. 3, lines 39-42). Norman teaches initiating disassociation upon a connection establishment rejection by the access point of the network following a request for connection establishment from the wireless terminal (see col. 4, lines 3-9 & 17-20). It would have been obvious to one of ordinary skill in the art at the time the invention

was made to make the Lipasti and Eikelenboom combination adapt to include initiating disassociation in at least one of the following cases: frequency change rejection by the access point of the existing network following a request for frequency change from the wireless terminal; or connection establishment rejection by the access point of the existing network following a request for connection establishment from the wireless terminal because Eikelenboom teaches disassociation due to a condition between the mobile terminal and access point (see Eikelenboom, col. 3, lines 39-42) and disassociation as taught in Norman is a common and well known reason for disassociation.

Regarding claim 5 Lipasti, Eikelenboom, and Norman teach a device as recited in claim 2 and is rejected given the same reasoning as above.

### ***Response to Arguments***

V. Applicant's arguments with respect to claims 1-2 and 4-5 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

VI. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON J. MILLER whose telephone number is (571)272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617

/Brandon J Miller/  
Examiner, Art Unit 2617

July 31, 2009